

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:19-cv-01329-PAE**

Open Society Justice Initiative v. Department of Justice et al
Assigned to: Judge Paul A. Engelmayer
Lead case: [1:19-cv-00234-PAE](#)
Member case: [\(View Member Case\)](#)
Related Case: [1:19-cv-00234-PAE](#)
Cause: 05:552 Freedom of Information Act

Date Filed: 02/12/2019
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Open Society Justice Initiative**

represented by **David James Sandler**
Debevoise & Plimpton LLP
919 Third Avenue
New York, NY 10022
(212)-909-6687
Email: dsandler@debevoise.com
ATTORNEY TO BE NOTICED

Catherine M. Amirfar
Debevoise & Plimpton, LLP (NYC)
919 Third Avenue, 3rd Floor
New York, NY 10022
(212)-909-6398
Fax: (212)-909-6836
Email: camirfar@debevoise.com
ATTORNEY TO BE NOTICED

V.

Defendant**Department of Justice**

represented by **Natasha Waglow Teleanu**
United States Attorney's Office, SDNY
86 Chambers Street, 3rd fl.
New York, NY 10007
212-637-2528
Fax: 212-637-2786
Email: natasha.teleanu@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Department of State**

represented by **Natasha Waglow Teleanu**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/12/2019	<u>1</u>	COMPLAINT against Department of Justice, Department of State. (Filing Fee \$ 400.00, Receipt Number ANYSDC-16334962) Document filed by Open Society Justice Initiative. (Attachments: # <u>1</u> Exhibit A – Plaintiff's FOIA requests)(Amirfar, Catherine) (Entered: 02/12/2019)
02/12/2019	<u>2</u>	CIVIL COVER SHEET filed. (Amirfar, Catherine) (Entered: 02/12/2019)
02/12/2019	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of Justice, re: <u>1</u> Complaint,. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 02/12/2019)

02/12/2019	<u>4</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Department of State, re: <u>1</u> Complaint,. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 02/12/2019)
02/12/2019	<u>5</u>	STATEMENT OF RELATEDNESS re: that this action be filed as related to 1:19-cv-00234-PAE. Document filed by Open Society Justice Initiative.(Amirfar, Catherine) (Entered: 02/12/2019)
02/12/2019	<u>6</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Other Affiliate Open Society Institute for Open Society Justice Initiative. Document filed by Open Society Justice Initiative.(Amirfar, Catherine) (Entered: 02/12/2019)
02/13/2019		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Unassigned. (jgo) (Entered: 02/13/2019)
02/13/2019		Case Designated ECF. (jgo) (Entered: 02/13/2019)
02/13/2019		CASE REFERRED TO Judge Paul A. Engelmayer as possibly related to 19-cv-234. (jgo) (Entered: 02/13/2019)
02/13/2019	<u>7</u>	ELECTRONIC SUMMONS ISSUED as to Department of Justice. (jgo) (Entered: 02/13/2019)
02/13/2019	<u>8</u>	ELECTRONIC SUMMONS ISSUED as to Department of State. (jgo) (Entered: 02/13/2019)
02/15/2019		CASE ACCEPTED AS RELATED. Create association to 1:19-cv-00234-PAE. Notice of Assignment to follow. (bcu) (Entered: 02/15/2019)
02/15/2019		NOTICE OF CASE REASSIGNMENT to Judge Paul A. Engelmayer. Judge Unassigned is no longer assigned to the case. (bcu) (Entered: 02/15/2019)
02/15/2019		Magistrate Judge Barbara C. Moses is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (bcu) (Entered: 02/15/2019)
02/27/2019		CONSOLIDATED MEMBER CASE: Create association to 1:19-cv-00234-PAE. (anc) (Entered: 02/27/2019)
02/27/2019	<u>9</u>	ORDER granting (22) Letter Motion to Consolidate Cases; granting (22) Letter Motion for Extension of Time to Answer in case 1:19-cv-00234-PAE. Granted. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 2/27/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE (anc) Modified on 2/27/2019 (anc). (Entered: 02/27/2019)
02/27/2019		Set/Reset Deadlines: Department of Justice answer due 3/18/2019; Department of State answer due 3/18/2019. (anc) (Entered: 02/27/2019)
03/18/2019	<u>10</u>	NOTICE OF APPEARANCE by Natasha Waglow Teleanu on behalf of Department of Justice, Department of State. (Teleanu, Natasha) (Entered: 03/18/2019)
03/18/2019	<u>11</u>	ANSWER to <u>1</u> Complaint,. Document filed by Department of Justice, Department of State.(Teleanu, Natasha) (Entered: 03/18/2019)
03/19/2019	<u>12</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 4/19/2019 at 02:30 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer; and as further set forth in this Order. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 3/19/2019) (anc) (Entered: 03/19/2019)
03/20/2019	<u>13</u>	CERTIFICATE OF SERVICE of Notice of Initial Pretrial Conference served on Department of Justice, Department of State on March 20, 2019. Service was made by Mail. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 03/20/2019)
04/15/2019	<u>14</u>	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by David James Sandler on behalf of Open Society Justice Initiative Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Sandler, David) (Entered: 04/15/2019)

04/15/2019	<u>15</u>	NOTICE OF APPEARANCE OF PRO BONO COUNSEL by David James Sandler on behalf of Open Society Justice Initiative (Sandler, David) (Entered: 04/15/2019)
04/15/2019	<u>16</u>	JOINT LETTER addressed to Judge Paul A. Engelmayer from Natasha W. Teleanu dated 4/15/2019 re: Initial Conference. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Teleanu, Natasha) (Entered: 04/15/2019)
04/18/2019	<u>17</u>	CONSENT LETTER addressed to Judge Paul A. Engelmayer from Peter Aronoff dated 4/18/2019 re: requesting initial conference be moved to 1pm on 4/19/2019. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Aronoff, Peter) (Entered: 04/18/2019)
04/18/2019	<u>18</u>	MEMO ENDORSEMENT on re: (28 in 1:19-cv-00234-PAE, 17 in 1:19-cv-01329-PAE) Letter, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court hereby adjourns this conference to noon on Friday, April 19, 2019. SO ORDERED. (Initial Conference set for 4/19/2019 at 12:00 PM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 4/18/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 04/18/2019)
04/22/2019		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Initial Pretrial Conference held on 4/22/2019. Amrit Singh & David Sandler present for Plaintiff. Natasha Teleanu & Peter Aronoff present for Defendants. Court reporter present. (ajs) (Entered: 04/22/2019)
04/23/2019	<u>19</u>	SCHEDULING ORDER: The above-captioned actions having been consolidated, see ECF No. 23 in 19 Civ. 234, absent further order of the Court, all filings in these matters going forward shall be made under the docket number 19 Civ. 234. The parties shall negotiate in good faith to narrow the scope of the search or exclude categories of non-substantive records identified by Defendants. On April 26, 2019, and every Friday thereafter until directed by the Court, the Parties shall update the Court in a joint letter on the status of discussions between the Parties and Defendants' responses to Plaintiffs Requests; and as further set forth herein. Status Conference set for 6/4/2019 at 03:30 PM in Courtroom 1305, 40 Centre Street, New York, NY 10007 before Judge Paul A. Engelmayer. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 4/22/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 04/23/2019)
04/26/2019	<u>20</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Department of Justice served on 2/14/2019, answer due 3/18/2019. Service was made by ceritifed mail and Also served The U. S. Attorney General. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 04/26/2019)
04/26/2019	<u>21</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. Department of State served on 2/14/2019, answer due 3/18/2019. Service was made by certified mail. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 04/26/2019)
04/26/2019	<u>22</u>	AFFIDAVIT OF SERVICE of Summons and Complaint,. All Defendants. Service was accepted by Hao Jun Lie. Document filed by Open Society Justice Initiative. (Amirfar, Catherine) (Entered: 04/26/2019)
04/26/2019	<u>23</u>	STATUS REPORT. (<i>joint</i>) Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Aronoff, Peter) (Entered: 04/26/2019)
04/29/2019	<u>24</u>	MEMO ENDORSEMENT on re: (23 in 1:19-cv-01329-PAE, 37 in 1:19-cv-00234-PAE) Status Report, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court

		appreciates this update. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 4/29/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE (ks) (Entered: 04/29/2019)
05/03/2019	<u>25</u>	STATUS REPORT. (joint) and proposal for letter-briefing schedule regarding State's processing rate Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Aronoff, Peter) (Entered: 05/03/2019)
05/06/2019	<u>26</u>	MEMO ENDORSEMENT on re: (25 in 1:19-cv-01329-PAE, 39 in 1:19-cv-00234-PAE) Status Report, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court appreciates this update and approves the parties' proposed letter briefing schedule. SO ORDERED. (Motions due by 5/13/2019. Responses due by 5/20/2019) (Signed by Judge Paul A. Engelmayer on 5/6/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(ne) (Entered: 05/06/2019)
05/10/2019	<u>27</u>	STATUS REPORT. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Teleanu, Natasha) (Entered: 05/10/2019)
05/10/2019	<u>28</u>	MEMO ENDORSEMENT on re: (41 in 1:19-cv-00234-PAE, 27 in 1:19-cv-01329-PAE) Status Report, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court appreciates this update. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 5/10/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 05/13/2019)
05/13/2019	<u>29</u>	FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – LETTER MOTION to Continue <i>processing at a rate of 300 pages per month</i> addressed to Judge Paul A. Engelmayer from Natasha W. Teleanu dated 5/13/2019. Document filed by Department of State. (Attachments: # <u>1</u> Supplement Declaration of Eric F. Stein, # <u>2</u> Exhibit 1 to Stein Declaration, # <u>3</u> Exhibit 2 to Stein Declaration, # <u>4</u> Exhibit 3 to Stein Declaration)(Teleanu, Natasha) Modified on 5/14/2019 (db). (Entered: 05/13/2019)
05/14/2019		***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Natasha Waglow Teleanu to RE-FILE Document <u>29</u> LETTER MOTION to Continue <i>processing at a rate of 300 pages per month</i> addressed to Judge Paul A. Engelmayer from Natasha W. Teleanu dated 5/13/2019. Use the event type Letter found under the event list Other Documents. (db) (Entered: 05/14/2019)
05/14/2019	<u>30</u>	LETTER addressed to Judge Paul A. Engelmayer from Natasha W. Teleanu dated 5/13/2019 re: Processing rate. Document filed by Department of State. (Attachments: # <u>1</u> Supplement Declaration of Eric F. Stein, # <u>2</u> Exhibit 1 to Stein Declaration, # <u>3</u> Exhibit 2 to Stein Declaration, # <u>4</u> Exhibit 3 to Stein Declaration)(Teleanu, Natasha) (Entered: 05/14/2019)
05/17/2019	<u>31</u>	STATUS REPORT. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Aronoff, Peter) (Entered: 05/17/2019)
05/20/2019	<u>32</u>	LETTER addressed to Judge Paul A. Engelmayer from David J. Sandler dated May 20, 2019 re: opposition to the 5/13/19 DOS letter requesting the Court to approve States proposed processing rate of only 300 pages per month.. Document filed by Open Society Justice Initiative. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Sandler, David) (Entered: 05/20/2019)

05/21/2019	<u>33</u>	LETTER addressed to Judge Paul A. Engelmayer from David J. Sandler dated 5/21/19 re: parties' consent to the over-length letter (Dkt. 44) and requesting the court to accept the over-length letter. Document filed by Open Society Justice Initiative. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Sandler, David) (Entered: 05/21/2019)
05/22/2019	<u>34</u>	MEMO ENDORSEMENT on re: (45 in 1:19-cv-00234-PAE, 33 in 1:19-cv-01329-PAE) Letter, filed by Open Society Justice Initiative. ENDORSEMENT: Granted. The Court will accept the over-length letter on the consent of all parties. (Signed by Judge Paul A. Engelmayer on 5/21/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(mro) (Entered: 05/22/2019)
05/22/2019	<u>35</u>	MEMO ENDORSEMENT on re: (31 in 1:19-cv-01329-PAE, 43 in 1:19-cv-00234-PAE) Status Report, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court appreciates this update. (Signed by Judge Paul A. Engelmayer on 5/22/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(mro) (Entered: 05/22/2019)
05/24/2019	<u>36</u>	JOINT LETTER addressed to Judge Paul A. Engelmayer from Natasha W. Teleanu dated 5/24/2019 re: weekly status update. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Teleanu, Natasha) (Entered: 05/24/2019)
05/29/2019	<u>37</u>	MEMO ENDORSEMENT on re: (36 in 1:19-cv-01329-PAE, 48 in 1:19-cv-00234-PAE) Letter, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court appreciates this update. The Court adjourns State's May 29 and May 30 deadlines. The parties should confer and provide the Court new deadlines by June 4, 2019. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 5/29/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(rro) (Entered: 05/30/2019)
05/30/2019	<u>38</u>	MEMO ENDORSEMENT on re: (32 in 1:19-cv-01329-PAE, 44 in 1:19-cv-00234-PAE) Letter, filed by Open Society Justice Initiative. ENDORSEMENT: Having reviewed the parties' competing letters, the Court's judgment is that a processing rate of 5,000 pages per month, beginning June 2019, appropriately balances the urgency of this particular request with the State Department's concerns regarding the burdens of making FOTA productions. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 5/30/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 05/30/2019)
05/31/2019	<u>39</u>	STATUS REPORT. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Teleanu, Natasha) (Entered: 05/31/2019)
06/03/2019	<u>40</u>	ORDER: Due to a scheduling conflict, the Court reschedules the conference currently scheduled for June 4, 2019 at 3:30 p.m. to 4:30 p.m. that same day. SO ORDERED. (Status Conference set for 6/4/2019 at 04:30 PM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 6/3/2019) ***Pursuant to instructions from Chambers, Filed In All Member Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 06/03/2019)
06/03/2019	<u>41</u>	MEMO ENDORSEMENT on re: (51 in 1:19-cv-00234-PAE, 39 in 1:19-cv-01329-PAE) Status Report, filed by Department of Defense, Department of State, Office of the Director of National Intelligence, Department of Justice, Central Intelligence Agency, National Security Agency. ENDORSEMENT: The Court appreciates this update. SO ORDERED. (Signed by Judge Paul A. Engelmayer on 6/3/2019) Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(anc) (Entered: 06/03/2019)

06/04/2019		Minute Entry for proceedings held before Judge Paul A. Engelmayer: Status Conference held on 6/4/2019. Amrit Singh & David Sandler present for Plaintiff. Natasha Teleanu & Peter Aronoff present for Defendants. Court reporter present. (ajs) (Entered: 06/05/2019)
06/05/2019	<u>42</u>	ORDER: At today's conference, the Court set the following deadlines: 1. The parties shall continue to provide the Court with joint weekly status updates, continuing June 7, 2019, and continuing every Friday thereafter; 2. The Department of Defense shall provide a proposed production schedule on June 17, 2019. It shall process 2,500 pages of responsive records by June 30, 2019, and thereafter process 5,000 pages per month; 3. The Department of Justice shall provide a proposed production schedule on June 5, 2019. It shall process responsive records at a rate of 5,000 pages per month; 4. The Department of State shall complete its search of classified and unclassified emails within 4.5 weeks; 5. The next status conference is scheduled for July 8, 2019 at 3:30 p.m. SO ORDERED. (Status Conference set for 7/8/2019 at 03:30 PM before Judge Paul A. Engelmayer.) (Signed by Judge Paul A. Engelmayer on 6/5/2019) (mml) (Entered: 06/05/2019)
06/07/2019	<u>43</u>	CONSENT LETTER addressed to Judge Paul A. Engelmayer from Peter Aronoff dated 6/7/2019 re: seeking limited clarification and/or modification of the Court's June 5, 2019 processing order as to DOD. Document filed by Department of Defense. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Aronoff, Peter) (Entered: 06/07/2019)
06/07/2019	<u>44</u>	STATUS REPORT. Document filed by Central Intelligence Agency, Department of Defense, Department of Justice, Department of State, National Security Agency, Office of the Director of National Intelligence, Department of Justice, Department of State. Filed In Associated Cases: 1:19-cv-00234-PAE, 1:19-cv-01329-PAE(Teleanu, Natasha) (Entered: 06/07/2019)